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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 SAN DIEGO DIVISION**

1800 SOUTH MAPLE STREET, LLC, a California Limited Liability Company;)	CASE NO. 07-CV-2030
RALPH J. GIANNELLA, an individual;)	
GIANNELLA PROPERTIES, INC., a California Corporation; WILLIAM G.)	DECLARATION OF C. BRANT
AYYAD, an individual; WILLIAM G.)	NOZISKA IN SUPPORT PLAINTIFFS'
AYYAD, INC., a California Corporation; and)	MOTION FOR ORDER PERMITTING
PREMIER COMMUNITIES, LLC, a California Limited Liability Company.)	LEAVE TO AMEND COMPLAINT;
)	EXHIBITS

Plaintiffs,

v.

ALLIED PROPERTY AND CASUALTY
 INSURANCE COMPANY, an Iowa
 Corporation; AMCO INSURANCE
 COMPANY, an Iowa Corporation;
 NATIONWIDE MUTUAL INSURANCE
 COMPANY, an Ohio Corporation, and DOES
 1 through 100, inclusive,

Defendants.

Date: February 29, 2009
 Time: 1:30 P.M.
 Courtroom: Hon. Judge Jeffrey T. Miller
 Filed: September 10, 2007
 Trial:

1 I, C. Brant Noziska, declare:

2 1. I am an attorney at law duly admitted to practice before all the courts of the
3 State of California. I am a member of the firm of Rockwood & Noziska, LLP, and one of the
4 attorneys of record for Plaintiffs 1800 SOUTH MAPLE STREET, LLC, a California limited
5 liability company; RALPH J. GIANNELLA, an individual; GIANNELLA PROPERTIES,
6 INC., a California corporation; WILLIAM G. AYYAD, an individual; WILLIAM G.
7 AYYAD, INC., a California corporation; and PREMIER COMMUNITIES, LLC, a California
8 Limited Liability Company. This declaration is tendered in support of Plaintiffs' attached
9 Motion for Order Permitting Leave to Amend their Complaint.

10 2. If called as a witness I could competently testify that I have first hand
11 knowledge of the following:

12 3. Attached as Exhibit "A" to this declaration is a true and correct copy of the
13 proposed First Amended Complaint.

14 4. Attached as Exhibit "B" to this declaration is a true and correct copy of the
15 letter from C. Brant Noziska to Howard Garfield dated January 15, 2008.

16 5. Attached as Exhibit "C" to this declaration is a true and correct copy of the
17 letter from Howard Garfield to C. Brant Noziska dated January 15, 2008.

18 6. Attached as Exhibit "D" to this declaration is a true and correct copy of
19 excerpts of the deposition transcript of David Veljovich, dated November 27, 2007, and taken
20 for the case entitled, Avocado Crest Condominiums, LLC, et al. v. Allied Mutual Insurance et.
21 al., (GIC 857918), filed in the San Diego Superior Court.

22 7. Attached as Exhibit "E" to this declaration is a true and correct copy of relevant
23 portions of the ACP BPH 7801069841 Policy in effect from April 4, 2002 to April 4, 2003.

24 8. Attached as Exhibit "F" to this declaration is a true and correct copy of excerpts
25 of the Agency Agreement between Michael Ehrenfeld Company and Allied Group dated
26 October 13, 1999.

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9. Attached as Exhibit "G" to this declaration is a true and correct copy of excerpts of relevant portions of the complaint in The Hidden Glen Maintenance Corporation v. 1800 South Maple Street, LLC, case number GIC 852647.

10. Attached as Exhibit "H" to this declaration is a true and correct copy of the letter from Robert K. Johnson to Vekeno Kennedy dated November 10, 2005.

11. Attached as Exhibit "I" to this declaration is a true and correct copy of the letter from Scott A. Johnson to Vekeno Kennedy dated March 3, 2006.

12. Attached as Exhibit "J" to this declaration is a true and correct copy of letter from Clyde Greco Jr. to Timothy C. Earl dated November 22, 2004.

13. Attached as Exhibit "K" to this declaration is a true and correct copy of the letter from Clyde Greco Jr. to Timothy C. Earl dated January 7, 2005.

14. Attached as Exhibit "L" to this declaration is a true and correct copy of relevant portions of the ACP BPH CPAA GLAO 7801001164 Policy at issue in the case entitled, Avocado Crest Condominiums, LLC, et al. v. Allied Mutual Insurance et. al., (GIC 857918), filed in the San Diego Superior Court.

15. Attached as Exhibit "M" to this declaration is a true and correct copy of relevant portions of the complaint in the case entitled, The Oaks Management Corporation v. Avocado Crest Condominiums, LLC, case number GIC 827085, filed in the San Diego Superior Court.

16. Attached as Exhibit "N" to this declaration is a true and correct copy of the letter from Scott A. Johnson to Neal Rockwood and C. Brant Noziska dated May 21, 2007.

17. Attached as Exhibit "O" to this declaration is a true and correct copy of relevant portions of the Second Amended Complaint from the case entitled, Avocado Crest Condominiums, LLC, et al. v. Allied Mutual Insurance et. al., (GIC 857918), filed in the San Diego Superior Court.

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1 18. Attached as Exhibit "P" to this declaration is a true and correct copy of relevant
2 portions of the original Complaint from the case entitled, Avocado Crest Condominiums,
3 LLC, et al. v. Allied Mutual Insurance et. al., (GIC 857918), filed in the San Diego Superior
4 Court.

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct. Executed this 29th day of January, 2008 in San Diego,
7 California.

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10 C. BRANT NOZISKA

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